

Transcript of Proceedings

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA

-----X
E. HOWARD HUNT, JR., :
 :
 Plaintiff, :
 :
 v. : No. 80-1121-Civ.-JWK
 :
 LIBERTY LOBBY, INC., :
 :
 Defendant. :
 :
-----X

DEPOSITION OF RICHARD MCGARRAH HELMS

Washington, D. C.

Friday, June 1, 1984

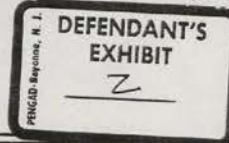
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E. HOWARD HUNT, JR.,	:
Plaintiff,	:
v.	:
LIBERTY LOBBY, INC.,	:
Defendant.	:
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No. 80-1121-Civ.-JWK

DEPOSITION OF RICHARD MCGARRAH HELMS

Washington, D. C.

Friday, June 1, 1984

Deposition of RICHARD MCGARRAH HELMS, called for examination, pursuant to notice, by counsel for the Plaintiff, at the law offices of Ober, Kaler, Grimes & Shriver, Suite 710, Ring Building, 1200 Eighteenth Street, N.W., Washington, D. C. 20036, at 2:05 p.m., before Claire B. Tepper, a notary public in and for the District of Columbia, when were present on behalf of the respective parties:

On Behalf of the Plaintiff:

WILLIAM A. SNYDER, JR., ESQ. and DANIEL DUTCHER,
Ober, Kaler, Grimes & Shriver,
1600 Maryland National Bank Building,
Baltimore, Maryland 21202.

1 On Behalf of the Defendant:

2 MARK LANE, ESQ. and BRENT WHITMORE,
3 105 Second Street, N.E.,
4 Washington, D. C. 20002.

4 On Behalf of the Deponent and the United States Government:

5 LEE STRICKLAND, ESQ. and PAGE MOFFETT, ESQ.,
6 Assistant General Counsel,
7 Central Intelligence Agency,
8 Washington, D. C. 20505.

9 JOHN SMITH,
10 Central Intelligence Agency,
11 Washington, D. C. 20505.

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C O N T E N T S

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
RICHARD MCGARRAH HELMS	6	35	119	127

E X H I B I T S

<u>EXHIBIT NO.</u>	<u>IDENTIFIED</u>
Plaintiff's Exhibit No. 1	7
Plaintiff's Exhibit No. 2	10
Plaintiff's Exhibit No. 3	11
Deposition Exhibit No. 4	62
Deposition Exhibit No. 5	64
Deposition Exhibit No. 6	64

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P R O C E E D I N G S

1
2 Whereupon,

3 RICHARD McGARRAH HELMS

4 was called as a witness and, having been first duly sworn,
5 was examined and testified as follows:

6 MR. MOFFETT: Mr. Snyder, may I make just a brief
7 statement.

8 MR. SNYDER: Yes.

9 MR. MOFFETT: I want the record to be clear. I am
10 Page Moffett of the Office of General Counsel, CIA, who along
11 with Mr. Strickland am here on behalf of the United States
12 and Ambassador Helms. With me is a gentleman from the Agency
13 whose identity is protected pursuant to statute but whose name
14 is John Smith, obviously a fictitious name. He is here solely
15 for the purpose of a complex matter, advising us if a question
16 calls for classified information and solely in that capacity,
17 and will not be stating anything for the record whatsoever.
18 But I wanted everybody to know that.

19 MR. LANE: At this point I would like each person
20 at the table to identify himself or herself.

21 My name is Mark Lane. I am an attorney for the
22 defendant in this case. My address is 105 Second Street, N.E.,

1 Washington, D. C. 20002.

2 MS. WHITMORE: I am Brent Whitmore. I am a paralegal
3 for Liberty Lobby.

4 MR. SNYDER: Messrs. Strickland and Moffett and Smith
5 have already identified themselves. Ambassador Helms is here.
6 This is my law clerk, Dan Dutcher. I am William Snyder on
7 behalf of the plaintiff, Mr. Hunt.

8 MR. LANE: I object to proceeding at this time with
9 Mr. John Smith, who apparently has refused to tell us his
10 real name, being present unless he identifies himself. This
11 is not Madison Square Garden. It is not a public event. This
12 is a solemn proceeding. The record of this deposition should
13 reveal who was present, not the names of people who are not
14 present but the real names of people who are present. And
15 I ask Mr. Smith to identify himself or to leave.

16 MR. MOFFETT: Mr. Lane, with all due respect, sir,
17 once again I repeat that Mr. Smith's name is protected by
18 statute, and of course if the judge in this case would like to
19 know Mr. Smith's true identity, we will certainly be more than
20 happy to provide that.

21 I reemphasize that Mr. Smith is not here to give
22 testimony but is simply in an advisory capacity for that and

1 transcript, you stated that Clay Shaw -- I'll read the
2 answer:

3 "The only recollection I have of Clay Shaw and the
4 Agency is that I believe that at one time as a businessman he
5 was one of the part-time contacts of the Domestic Contact
6 Division, that people that talked to businessmen, professors,
7 and so forth, and who traveled in and out of the country."

8 Do you recall making that statement under oath on
9 May 17, 1979?

10 A If it says here I did make it under oath, I guess I
11 did.

12 Q Does that refresh your recollection as to who Clay
13 Shaw is?

14 A No, it doesn't help a bit. It simply indicates that
15 I guess I had heard of him.

16 Q Well, it indicates if you were telling the truth
17 that you knew he worked for the CIA; isn't that correct?

18 MR. MOFFETT: Mr. Lane, please refrain from making
19 those insinuations.

20 MR. LANE: You consider that an insinuation?

21 MR. MOFFETT: Yes, sir, I do, but that's not the
22 point.

1 MR. LANE: It certainly is not the point. And you
2 are not here to object to any statements that I have to make.
3 You are here to advise your client as to what is classified and
4 what is not classified.

5 MR. MOFFETT: Mr. Lane, we are both here to keep --

6 MR. LANE: You are not to interfere with me.

7 BY MR. LANE:

8 Q I ask you this, Mr. Helms: Did you testify --

9 MR. MOFFETT: Madam Reporter, I wish to note for
10 the record that we consider that last comment to be insulting,
11 and that's one.

12 MR. LANE: Well, that is foolish on your part, and
13 that is two.

14 BY MR. LANE:

15 Q Now, Mr. Helms, did you testify on May 17, 1979,
16 that Clay Shaw was a contact of the Central Intelligence Agency?

17 MR. SNYDER: Objection. He has already stated that
18 he can't recall but if he said it he must have known Shaw.

19 MR. LANE: And I'm not asking you the question
20 either, Mr. Snyder. I'm asking Mr. Helms.

21 BY MR. LANE:

22 Q Do you have the testimony in front of you?

1 A Yes. It says, "The only recollection I have of
2 Clay Shaw and the Agency is that I believe at one time as a
3 businessman he was one of the part-time contacts of the
4 Domestic Contact Division." And that's all. I recollected
5 that at the time. Five years later I recollect only that the
6 name seems vaguely familiar.

7 Q Now, where did you get that document you just read
8 from?

9 A I beg your pardon?

10 Q Where did you get that document that you just read
11 from?

12 MR. STRICKLAND: His counsel provided it for the
13 Ambassador's perusal.

14 BY MR. LANE:

15 Q So you had that when you came into this room; is
16 that right, Mr. Helms?

17 MR. STRICKLAND: No, that is not correct. I said
18 counsel provided --

19 BY MR. LANE:

20 Q Your attorney had it when you came into the room.

21 A Yes.

22 MR. STRICKLAND: Mr. Lane, I will attempt to refrain

1 from interrupting you if you will please exchange a similar
2 courtesy to everyone at the table.

3 MR. LANE: Uh-huh.

4 BY MR. LANE:

5 Q Now, when did you first hear the name of Clay Shaw?

6 A I have no idea.

7 Q Do you know the name Jim Garrison?

8 A Is this the Garrison who was at one time Mayor of
9 New Orleans --

10 Q Not to my knowledge.

11 A -- or a district attorney or something in New
12 Orleans? In other words, a law officer in New Orleans?

13 Q Yes, he was the district attorney. He is now a
14 judge on the Court of Appeals in Louisiana.

15 A Oh.

16 Q Did you know that Clay Shaw was a defendant in a
17 trial in New Orleans, Louisiana, in which he was charged with
18 conspiracy to assassinate President Kennedy?

19 MR. SNYDER: Object. It assumes a fact that has
20 not been introduced into evidence.

21 BY MR. LANE:

22 Q You may answer it.

1 A Now that you link Clay Shaw and Jim Garrison, I do
2 recall that there was a lot of -- there were newspaper stories
3 many years ago about allegations of some sort. The specific
4 one that you mention I don't recall.

5 Q Do you recall that it was part of Mr. Shaw's defense,
6 said publicly and broadcast widely throughout the country at
7 the time, that he had never had any contact whatsoever with the
8 Central Intelligence Agency?

9 MR. STRICKLAND: Objection. It assumes facts not in
10 evidence.

11 BY MR. LANE:

12 Q You can answer the question.

13 A Well, it may have been widely publicized at the time
14 but I don't recall it.

15 Q Did you at any time publicly state or privately
16 state to the law enforcement authorities of the United States
17 or those in Louisiana, including Mr. Garrison, that Mr. Shaw
18 had in fact had a connection with the Central Intelligence
19 Agency?

20 A That he had or had not had?

21 Q That he had such a connection. Did you ever reveal
22 that at that time to anyone?

1 A I don't remember.

2 Q All right. I think you stated when you were ques-
3 tioned by Mr. Snyder that you did not withhold information from
4 any properly authorized body; is that correct?

5 A Well, I don't recall that I said exactly that. Could
6 the court reporter read back what I did say?

7 Q Did you say anything something like that?

8 MR. MOFFETT: Mr. Lane, I think it's important to
9 have the reporter read back exactly what the Ambassador said,
10 because he did not say that.

11 BY MR. LANE:

12 Q All right. Let me ask you this question: Did you
13 say when you were the Director of the CIA you would not with-
14 hold information from any properly authorized body, in words
15 or substance?

16 A No, I thought what we were talking about was a
17 specific matter involved with the assassination of President
18 Kennedy.

19 Q All right.

20 A And I said -- I believe I said that as Director I
21 would not have advocated the policy of withholding information
22 about any relevant facts concerning President Kennedy's

1 assassination from properly constituted authorities.

2 (Discussion off the record.)

3 (Whereupon, a short recess was taken.)

4 BY MR. LANE:

5 Q Mr. Helms, have you ever been convicted of a crime?

6 A A crime? Well, I'm not a lawyer, Mr. Lane, so would
7 you specify what level of difficulty you are describing? I
8 was convicted of a misdemeanor one time.

9 Q What were you convicted of?

10 A For not having fully and completely testified before
11 a congressional committee.

12 Q And that is what you pleaded guilty to; is that
13 correct?

14 A It was a nolo contendere plea, as I recall it.

15 Q And were you originally charged with a more serious
16 crime?

17 MR. STRICKLAND: Mr. Lane, I would respectfully
18 submit that this is a matter of public record. It was inquired
19 into in depth by various Senate committees. I can steer you
20 to several appropriate Senate publications, but in sum I
21 believe the matter is fully a public record and I see no
22 further relevance to questions along this line past what

1 Ambassador Helms has already testified to.

2 MR. LANE: Let me explain how this works.

3 MR. SNYDER: Also, I would object on the ground that
4 what somebody may have been charged with is not, as I under-
5 stand the Federal Rules of Evidence, probative of their reputa-
6 tion for truthfulness or lack of it.

7 BY MR. LANE:

8 Q Under what section was the crime charged against
9 you, the one to which you pleaded guilty?

10 MR. STRICKLAND: Same objection.

11 MR. LANE: Let me explain this to you.

12 MR. SNYDER: What section of what? Penal Code?

13 MR. LANE: United States Code.

14 BY MR. LANE:

15 Q Do you recall what section?

16 Now, if your lawyer is going to object to this,
17 Mr. Helms, let me explain to you how this works. If this
18 deposition is to be read to a jury, as it may well be in Miami
19 in the next couple of months, the suggestion of your counsel
20 that the jury should scurry off to the library and check the
21 Senate hearings is, of course, ludicrous. The jury has the
22 right to hear this information in judging your credibility,

1 just as they would if you were on the witness stand. And they
2 are entitled to know specifically what it is you pleaded
3 guilty to. So I'm asking specifically: Under what section
4 of the Code were you charged?

5 A I don't recall what it was.

6 Q Do you recall when it was?

7 A I believe it was in the fall of 1977.

8 Q And was it in reference to your testimony before a
9 body of the United States Government?

10 A It was with reference to testimony before certain
11 Senate committees and subcommittees.

12 MR. STRICKLAND: Mr. Lane, I am going to repeat, as
13 we stated before, that this is a matter of public record. In
14 no instance did I suggest that the jury should, in your words,
15 quote, "scurry off to the library and find out about these
16 matters," unquote.

17 If you are aware, a matter of a conviction is in the
18 judicial record; it's a matter of public record. The court
19 may take judicial notice of it. You may introduce those
20 records yourself if you wish to, and if the court would receive
21 them into evidence -- and I would suggest that they are the
22 best evidence as to matters which you may wish to prove. I

1 would suggest at this juncture we move ahead to more reasonable
2 matters.

3 MR. LANE: Well, I want to tell you how much I appreciate
4 your sharing your long years of experience as a trial
5 attorney with me and advising me as to how best to proceed as
6 a trial lawyer. But I'm going to tell you this, sir. I am
7 entitled to ask these questions. If this witness refuses to
8 answer these questions, I do not believe that anything that
9 happened to him will ever get to the jury. And you should
10 know that, Mr. Snyder. I'm entitled to probe into this area.
11 The jury is entitled to evaluate for credibility of this
12 witness and to know the circumstances surrounding the charge
13 which resulted in the plea.

14 MR. STRICKLAND: And I repeat that those are matters
15 of public record which the court may take judicial notice of or
16 which you may introduce. Mr. Lane, I would further ask if you
17 are indeed a member of either the Virginia or District of
18 Columbia bars. There is some question raised as to whether
19 you are properly appearing here today.

20 MR. LANE: Well, let me try to explain that to you
21 also since we have done this already. I have been admitted to
22 practice for this case before the appropriate court before

1 which this case is being tried. You may not be here appro-
2 priately but I certainly am. It's a question of being a member
3 of the Florida bar because this is a proceeding relating to a
4 trial in Florida, and I have been admitted by the trial court
5 for this purpose.

6 MR. STRICKLAND: So you acknowledge that you are not
7 a member of the District of Columbia bar? Have you associated
8 a member of the District of Columbia bar as local counsel for
9 this proceeding? Because, Mr. Lane, if you are unfamiliar,
10 this case --

11 MR. LANE: First of all, you're not questioning me
12 about anything; I'm asking the questions.

13 MR. STRICKLAND: -- as a foreign subpoena, will be
14 entered into the records of the U. S. District Court as a
15 miscellaneous action number. It can only be done so by a
16 member of the District of Columbia bar.

17 MR. LANE: If you have examined any of the pleadings
18 in this case, you would see there's a member of the District
19 of Columbia bar with whom I am associated and who has been
20 associated with this case even before I was associated.

21 MR. STRICKLAND: Present at this proceeding?

22 MR. LANE: I'm going to proceed.

1 BY MR. LANE:

2 Q I am going to ask the question again: Mr. Helms,
3 you have testified, I think, that you entered a plea to a
4 charge. I am asking now: What was the testimony that you
5 gave before the Senate Committee which led to the charge which
6 resulted in your entering a plea -- the nature of the subject
7 matter?

8 MR. SNYDER: Objection on this ground: Maybe one of
9 you two from the Office of General Counsel can say if it
10 truly was a nolo plea. I don't think it can be used collater-
11 ally against him for any purpose. If it's a guilty plea, it
12 can. Does anybody know or willing to say?

13 His testimony up to now is that it was a nolo plea,
14 to his recollection, and I would object on the basis that it's
15 not proper under the FRE to go into that.

16 MR. STRICKLAND: Mr. Snyder, I would think that is
17 your objection to make and I think it is made for the record.

18 MR. SNYDER: Well, if you aren't willing to state
19 which it was, then in the interest of protecting myself so
20 that this testimony can be read into the record, I would ask
21 you to allow Ambassador Helms to answer that question.

22 MR. STRICKLAND: You may answer that question,

1 Ambassador.

2 THE WITNESS: The general subject matter had to do
3 with activities of the Agency in Chile.

4 BY MR. LANE:

5 Q Was it related to the overthrow of the Allende
6 Government?

7 A No, it was not. My recollection is that the testi-
8 mony that I was giving at that time was in point of fact --
9 let me see -- I think it may even have been before Allende
10 became President of Chile.

11 Q What was it about?

12 A It had to do with the activities of the Agency in
13 connection -- or prior to the Chilean election, presidential
14 election, which was to take place -- don't hold me to this
15 but I think it was in 1972.

16 Q And what is it that you said to the Senate committee
17 that was not true?

18 A I was --

19 MR. SNYDER: Excuse me. Objection. I have not heard
20 any predicate lead for the assertion that anything was not
21 truthful. I haven't heard it said that he plead guilty to
22 perjury. Absent that, I don't think that is a proper question.

1 BY MR. LANE:

2 Q In fact, you did plead guilty, did you not, Mr.
3 Helms?

4 A My recollection -- as I say, Mr. Lane, I am not a
5 lawyer and obviously I was represented by legal counsel. My
6 understanding was that I pleaded nolo contendere.

7 Q Your attorney was Edward Bennett Williams at the
8 time?

9 A Yes.

10 Q And do you state now that the statement that you
11 made to the United States Senate Committee was not true?

12 A But you see --

13 MR. MOFFETT: Mr. Lane, once again, I would respect-
14 fully ask that the questions have been asked and answered to
15 the best of the Ambassador's knowledge, and we respectfully
16 request that we go on with this deposition and not pursue this
17 line any further.

18 MR. LANE: This question has not been answered. If
19 you were listening carefully, you would realize that this
20 question has not been answered, and we are going on with the
21 deposition and this is part of the deposition. And, sir, this
22 is a very important part of the deposition.

1 MR. MOFFETT: Mr. Lane, Ambassador Helms has stated
2 that to his recollection he pleaded nolo contendere.

3 MR. LANE: That is not the question.

4 MR. MOFFETT: I understand it's not the question. I
5 am just informing you, Mr. Lane, that if you continue with
6 these questions on this subject here, then we will ask to have
7 the deposition stopped and move the appropriate court for a
8 protective order. Now, we would request that you continue on
9 with the deposition.

10 MR. LANE: The jury is entitled, sir, to know whether
11 this witness has made a statement to a Senate committee while
12 he was under oath which statement he now admits was untrue.
13 That is absolutely relevant, whether he was charged --

14 MR. STRICKLAND: I'm going to object to that charac-
15 terization.

16 MR. LANE: I didn't say he has. I said they are en-
17 titled to know that, whether that statement related to the
18 perjury indictment or no charge at all. Every witness who
19 testifies puts his credibility in issue. Mr. Helm's credibil-
20 ity is in issue, and I am entitled to ask him now -- and I
21 have and I will again and I do now.

22

1 BY MR. LANE:

2 Q Mr. Helms, did you make a statement to that Senate
3 committee which was untrue?

4 (Off-the-record consultation between the witness and
5 his counsel.)

6 MR. STRICKLAND: Would the reporter read the question
7 back, please.

8 (The pending question was read by the reporter.)

9 THE WITNESS: Mr. Lane, I don't recall having been
10 charged with making any untrue statements. I do not believe I
11 made any untrue statements. My recollection of the charge
12 against me was that I had not responded to these questions
13 fully and completely.

14 BY MR. LANE:

15 Q And is it true that you had not responded to the
16 questions fully and completely?

17 A Well, it's one of those things that I think opinions
18 may differ on.

19 Q And did you take an oath there before you testified
20 before the Senate committee, just as you took an oath today,
21 to tell the whole truth?

22 A Yes.

1 this, then we will invoke the Ambassador's rights under the
2 Federal Rules to limit or to move for a protective order
3 against this continued line of questioning or a continued
4 deposition. Please go into other areas.

5 MR. SNYDER: Mr. Moffett, I would respectfully dis-
6 agree with you on this basis. I objected to Mr. Lane's earlier
7 questions because we had established that he had pleaded some-
8 thing to something, some charge. We had established that it
9 was a misdemeanor. We had not established that it was perjury.
10 My recollection -- I may be right or wrong -- is that President
11 Carter personally intervened to see to it that he was not
12 charged with any kind of perjury.

13 I think Mr. Lane is not inquiring as to criminal
14 charges right now. He is simply asking if Ambassador Helms had
15 violated an oath, irrespective of any criminal proceeding. I
16 think it's a proper question. It may be embarrassing for him
17 to answer it, but I think it's a proper question and I would
18 hope you would allow him to answer it because I think the rules
19 do permit it.

20 MR. MOFFETT: Mr. Snyder, I'd like once again to
21 state for the record that Ambassador Helms has answered these
22 questions to the best of his ability to Mr. Lane, and we will

1 allow him to answer that one question, but then I must insist
2 that you either go to another area or we will stop this deposition.

3 MR. SNYDER: But, Mr. Moffett, the next question is
4 going to be: "Ambassador Helms, do you consider withholding the
5 full truth consistent with your oath to tell all the turth?"
6 I think that also would be a proper question, so I would urge
7 you to let this go on for a little while and see what happens.

8 MR. MOFFETT: Mr. Snyder, I would respectfully dis-
9 agree because the Ambassador has already testified that he
10 does not believe he told any falsehoods to the appropriate
11 committees. Now, it seems that Mr. Lane has the information
12 he wants. Every witness' credibility, it's true, is before a
13 jury but it's not ad infinitum, and especially a witness who
14 is not going to be a witness at the trial.

15 I would ask the reporter to please read that one
16 question back, and we would ask the Ambassador to answer that,
17 and then we would request once again, sirs, that we go to
18 another line of inquiry.

19 (The pending question was read by the reporter.)

20 THE WITNESS: The oath that I took before the
21 Senate committee or Senate committees was, I believe, the
22 standard oath.

1 BY MR. LANE:

2 Q And that was to tell the whole truth?

3 A I believe it was the standard oath, whatever it was.

4 Q You don't recall?

5 A I assume that it stated the truth, the whole truth,
6 and nothing but the truth.

7 Q Is it a procedure within the Central Intelligence
8 Agency to, on occasion, make statements which are not true?

9 A Is it a procedure?

10 MR. SNYDER: I would ask for a clarification of that.
11 In its dealings with --

12 MR. LANE: Anybody, anywhere, any time.

13 MR. STRICKLAND: Are you referring to a tribunal or
14 a Senate committee, or are you referring, for instance, to
15 day-to-day operational activity which might take place over-
16 seas?

17 BY MR. LANE:

18 Q The question, Mr. Helms, is: Is it ever a procedure
19 or method of the CIA for any of its agents or operatives, under
20 any circumstances, ever to make statements which are not true?

21 A Mr. Lane, that is such a speculative wide-open
22 question I don't know how to answer it.

1 Q Well, let me put it this way: Do you know of any-
2 body in the CIA who ever used a pseudonym or alias?

3 A Is that the question you're asking me?

4 Q Yes.

5 A Yes, I do know people that have used a pseudonym and
6 an alias.

7 Q Do you know David Atlee Phillips?

8 A I do know David Atlee Phillips.

9 Q And did David Atlee Phillips work for the Central
10 Intelligence Agency?

11 A He did.

12 Q In what capacity?

13 A Well, I don't recall his various assignments, but
14 he was in the operational end of it, as best I recall it.

15 Q Did he ever use a pseudonym?

16 A I assume he did.

17 Q Did he ever use an alias?

18 A I don't know.

19 Q Is there a difference between a pseudonym and an
20 alias?

21 A Well, in the jargon of the Agency, a pseudonym is
22 something that you are assigned for your protection overseas.

1 An alias would be a name that you took on the streets or in
2 your contacts with other people. For example, in the case of
3 this individual sitting here today, John Smith would be an
4 alias.

5 Q Except that he is telling us or it was said on his
6 behalf that his real name is not John Smith.

7 A That's what I meant by John Smith being an alias.

8 Q Do you know of any occasion where anyone who worked
9 for the CIA ever made a false statement?

10 A Well, I would have thought that in the overseas
11 operations of the Agency, where the missions were espionage
12 and counterespionage, that representatives of the Agency may
13 have told falsehoods or misled people from time to time, but
14 that was part of the work.

15 Q Was it ever part of the work to tell falsehoods or
16 mislead people from time to time in terms of operations
17 within the United States or actions within the United States?

18 A I just can't answer the question.

19 Q Why is that?

20 A I don't know.

21 Q You don't know?

22 A No.

1 Q Do you know of anyone who worked for the CIA who ever
2 made a false statement while working in the United States?

3 A How can I answer a question like that? What is the
4 purpose of it?

5 Q Well, we'll get to that on perhaps some other
6 occasion, and the jury will understand that, but I think you
7 can answer with a "yes" or "no."

8 (Off-the-record consultation between the witness
9 and his counsel.)

10 THE WITNESS: Well, I would have thought to the
11 extent the Agency ran operations, sometimes starting in the
12 United States and then working overseas, that the same sort
13 of practices might have eventuated in the physical United
14 States as eventuated overseas in connection with such opera-
15 tions.

16 BY MR. LANE:

17 Q Do you recall testifying in the Weberman case in
18 Alexandria on May 17, 1979? We have already talked about part
19 of your testimony.

20 A I don't recall the testimony, as a matter of fact,
21 Mr. Lane. I recall having gone to Alexandria because I very
22 seldom go to Alexandria, and I remember being there that day

1 article. It reflects on a number of things. It provides
2 corroboration and to the intrinsic truth of the original
3 article and certainly goes to the question of any damages that
4 Mr. Hunt may claim.

5 MR. SNYDER: It shows that there are two crazies in
6 the world instead of one, but I still object to it.

7 MR. LANE: I am not going to strike that remark. I
8 am going to ask the court to deal with that when we get before
9 the court.

10 MR. SNYDER: Fine.

11 BY MR. LANE:

12 Q Now, Mr. Helms, I want to ask you to read that
13 Exhibit No. 4.

14 MR. STRICKLAND: Excuse me, Mr. Lane. Do you have
15 copies for counsel for the government and counsel for the
16 plaintiff?

17 MR. LANE: Are you representing the plaintiff?

18 MR. STRICKLAND: No, sir, I said: Do you have
19 copies for counsel for the government --

20 MR. LANE: I have a copy for you, if you like. If
21 anybody else wants a copy, they can ask for it, although
22 counsel for the plaintiff knows I've given those copies.

1 BY MR. LANE:

2 Q Now, is that the article which you were questioned
3 about somewhat extensively on May 17, 1979?

4 A It appears to be.

5 Q And that questioning went on for about 12 pages,
6 regarding that article?

7 A Yes, 73 to 84.

8 Q And that is inclusive -- including 73 and 84; is
9 that correct?

10 A Yes, I read from 73 -- (examining document) -- to
11 the last paragraph of 84.

12 Q Yes. The subject matter ostensibly of that deposi-
13 tion related to the publication of a book by Mr. Weberman; is
14 that correct?

15 A I guess so.

16 Q A book called Coup d'etat?

17 A I haven't read the rest of the transcript so I really
18 don't recall of my own recollection.

19 Q I direct your attention, Mr. Helms, to page 5 of the
20 transcript of that deposition where Mr. Miller, I think, in-
21 formed you of the basis for the deposition in which he states:

22 "All right, just for the record so that it's clear,

1 the proceeding today is a deposition in the case of E. Howard
2 Hunt v. Alan J. Weberman, Mr. Canfield, and a printing company
3 and its owner regarding the publication of a book, the title of
4 which is Coup d'etat in America. The issue in contention in
5 that book, which is our litigation today, is the question of
6 indications in the book, photographs and statements, implicating
7 Mr. Hunt, who is the plaintiff, in the assassination of Presi-
8 dent Kennedy in November of 1963; that he was present in Dealy
9 Plaza and so on; specifically that certain photographs that
10 were taken of individuals who were arrested at the time, with
11 what have been termed, I think, in the media parlance, the
12 tramps, that one of those was Mr. Hunt and the other was Mr.
13 Sturgis."

14 Do you recall now that statement being made, or does
15 it refresh your recollection as to the nature of the deposition?

16 A Yes.

17 Q And it was about the book, Coup d'etat; is that
18 correct?

19 A Yes.

20 Q And did you respond, "Who is Mr. Sturgis?" after
21 Mr. Miller referred to Mr. Sturgis?

22 A It says that I did here.

1 Q Did you know who Mr. Sturgis was in 1979?

2 A If I said, "Who is Mr. Sturgis?" I had obviously
3 forgotten who he was.

4 Q But you had known of him before '79; is that correct?

5 A If I had originally heard of Mr. Sturgis, it would
6 have been during my time at the Agency.

7 Q Did you ever direct Mr. Sturgis in any of his opera-
8 tions?

9 A No.

10 Q Did you ever direct him indirectly, that is, through
11 others?

12 A Well, I don't know. I mean that's a hard question
13 to answer. He might have been the instrument of carrying out
14 something that I asked somebody else to do.

15 Q Now, this is going to require a reading of this
16 entire transcript, I'm afraid, unless we can find some way to
17 short-circuit it, but this is the question: Is there anything
18 in this deposition, which went on for a total of 89 pages --
19 and that includes the notary certificate -- or 88 pages of
20 substance at the most -- is there any substance at all re-
21 ferring to the article in Spotlight magazine which is the
22 basis of the lawsuit of this case?

1 with the answer to that question?

2 MR. SNYDER: Mr. Lane, a lot of people have said
3 things about Mr. Hunt. The Spotlight is a national publication
4 and resources are limited, and so if Mr. Hunt chooses to go
5 after a national publication instead of one in Delaware, that's
6 his business.

7 MR. LANE: And the Associated Press is a local pub-
8 lication somewhere down the block?

9 MR. SNYDER: We have established they didn't put
10 their imprimatur on it in any way, shape, or form.

11 BY MR. LANE:

12 Q The article continues, Mr. Helms:

13 "According to sources close to the Select Committee
14 on Assassination, the document reveals:

15 "Three years after Kennedy's murder, and shortly
16 after Helms and Angleton were elevated to their highest posi-
17 tions in the CIA, they discussed the fact that Hunt was in
18 Dallas on the day of the assassination and that his presence
19 there had to be kept secret."

20 Did you read that?

21 A I read it.

22 Q Did you ever discuss with Mr. Angleton where Hunt

1 was on November 22, 1963?

2 A I have no recollection of any such conversation.

3 Q Do you know where Mr. Hunt was on November 22, 1963? L

4 A No, I don't.

5 Q Did Hunt work for you on November 22, 1983? L

6 A He worked in the Central Intelligence Agency and L
7 under my general aegis but he did not work directly for me
8 so I would not have been responsible for his whereabouts or
9 knowledge of his whereabouts at any given time.

10 Q When this question arose, at least during August of
11 1978, if not in your mind prior to that, did you conduct an
12 inquiry to determine where E. Howard Hunt, Jr. was on November
13 22, 1963?

14 MR. SNYDER: Objection. Conduct an inquiry as to
15 what? He'd been out of the Agency five years when this thing
16 was written.

17 BY MR. LANE:

18 Q I didn't say as Director of the CIA. I said: Did
19 you conduct an inquiry?

20 A I did not conduct any inquiry.

21 Q Did you call Mr. Hunt and ask him where he was?

22 A No, I did not.

1 Q Did you do anything to discover where Mr. Hunt was
2 on November 22, 1963?

3 A I did not.

4 Q Do you have any idea now, as we sit here years later,
5 21 years after the assassination of the President, where Mr.
6 Hunt was on that day?

7 A Specifically where he was and factually where he was?

8 Q Yes, factually.

9 A I don't know where he was.

10 Q We are only concerned about factually here.
11 Do you know what state he was in?

12 A I don't know anything about where he was.

13 Q When was the last time you saw Mr. Hunt?

14 A Saw Mr. Hunt? I believe that I saw Mr. Hunt way
15 across the Metropolitan Club dining room four or five years
16 ago, but I'm not sure that it was he.

17 Q I take it, then, you did not talk to him on that
18 occasion.

19 A I did not.

20 Q When was the last time you talked to Mr. Hunt?

21 A I think the last time I talked to Mr. Hunt was --
22 well, it was prior to his employment by the White House in the

1 Q In the book, Coup d'etat, the statement was made
2 that before you left the Agency you ordered the destruction of
3 all of the tapes of your telephone conversations -- it says
4 "phone conversations" -- dating back several years, including
5 those with Nixon.

6 Is that statement in the book accurate?

7 A It says I destroyed the tapes?

8 Q Yes.

9 A Yes.

10 Q That is true?

11 A Yes.

12 Q What tapes did you destroy?

13 A Any tapes that existed of telephone conversations
14 I had held with anybody.

15 Q Including Mr. Hunt?

16 A Anybody.

17 Q Did you have telephone conversations with Mr. Hunt?

18 A I don't recall any, but I may have had. If he was
19 in the Agency, I would normally have talked to him there, but
20 I don't recall any conversations with him. I did not have any
21 telephone conversations with him after he went to work for
22 the White House.

1 Q Why did you destroy the tapes of all those telephone
2 conversations?

3 A Because they were my property, and I thought it was
4 just as well not to have them sitting around after I left. I
5 was quizzed one entire day by Senator Howard Baker on this
6 subject. I'm sure the transcript is available if you are
7 really interested.

8 Q Did you destroy any documents when you left the
9 Agency?

10 A Did I personally destroy any documents?

11 Q Yes.

12 A I don't recall personally destroying any documents.
13 I left all my documents in the Agency.

14 Q Did you give instructions to anyone to destroy
15 documents when you left the Agency?

16 A Well, we had a standard operating procedure of a
17 certain amount of destruction of documents in order to keep
18 down the paper holdings of the Agency. There were some docu-
19 ments in connection with drug testing which my permission was
20 asked to destroy, and I okayed that, approved that.

21 Q Who asked for your permission?

22 MR. SNYDER: Objection; irrelevant.

1 leak out."

2 Do you recall having a discussion with Mr. Angleton
3 about that?

4 A No, I don't, Mr. Lane.

5 Q All right. The article continues:

6 "Helms and Angleton felt that a cover story, giving
7 Hunt an alibi for being elsewhere the day of the assassination,
8 'ought to be considered.'"

9 Do you recall a discussion with Mr. Angleton about
10 that?

11 A No, I do not.

12 Q What is a cover story?

13 A Well, normally a cover story is a legend which is
14 developed to give a false impression of some event that may
15 have occurred.

16 Q Is that an intelligence term, "cover story"?

17 A Yes.

18 Q Is it used in the CIA?

19 A Yes.

20 Q Is the concept used in the CIA?

21 A Yes, cover stories are used in overseas operations
22 frequently.

1 Q Are they used in domestic operations?

2 A They may have been.

3 Q What is a limited hangout?

4 A A limited hangout has been defined by Mr. Marchetti
5 in the Spotlight article. It's his term, not mine.

6 Q Did you ever hear it used?

7 A I have heard it used since I left the Agency, but I
8 don't recall its being a word of art in the Agency when I was
9 there, or a term of art, rather.

10 Q How about the phrase "black valentine"? Do you know
11 that phrase?

12 A I am not familiar with it.

13 Q How about a wet operation?

14 A I believe a wet operation is a KGB term, and a wet
15 operation, I believe, in the KGB lexicon means an assassination.

16 Q Is it a term also used in the CIA?

17 A Well, it may be used there. I can't honestly say.

18 Q Did the CIA engage in any wet operations while you
19 were the Director?

20 A No.

21 Q Did it engage in any wet operations when you were
22 the Deputy Director of Plans?

1 MR. STRICKLAND: Just a moment, please.

2 (Off-the-record consultation between the witness
3 and his counsel.)

4 MR. LANE: Would you read back the last question,
5 please.

6 (The pending question was read by the reporter.)

7 THE WITNESS: This question seems to go to the alle-
8 gations or assassination planning in the CIA, which was fully
9 covered in the hearings of the Senate Select Committee,
10 otherwise known as the Church Committee, I think in 1975. I
11 testified before that committee. It is now eight years later
12 and I would prefer that whatever my testimony was at the time
13 stand as of now.

14 BY MR. LANE:

15 Q Was there ever a CIA plan to assassinate Patrice
16 Lumumba?

17 A There is an allegation that there was a plan to --
18 I don't know whether it was to assassinate him or to unseat
19 him or exactly what were the various compasses of the plan. I
20 was not involved in it myself particularly, but I heard about
21 it at the time. One of the officers in the Agency came to me
22 and talked to me about it. I was not then the Deputy Director

1 of Plans. As I recall, I was Chief of Operations, and Mr.
2 Bissell was the Deputy Director of Plans. And whoever was
3 working on this, it was not in my office and I was not familiar
4 with all the details. I just know what this officer told me.

5 Q What did he tell you?

6 A Well, he said there might be some effort made to,
7 I guess, do away with Lumumba, and I said, well, frankly, I
8 didn't have anything to do with it, and this was not my re-
9 sponsibility.

10 Q And who was Lumumba at the time?

11 A I don't even recall whether he was Prime Minister
12 of the Congo or whether he was a high official of the Congo.

13 Q Who was the person who told you about it?

14 A His name was Justin O'Donnell.

15 Q Who was he?

16 A He was an officer in the Agency at the time.

17 Q Of the CIA?

18 A Yes.

19 Q What year was that, do you recall?

20 A I don't recall, although one can put it in a frame,
21 if you like. Bissell, as I recall it, was Deputy Director of
22 Plans for three years, ending in 1962. I believe this was in

1 the early part of his administration but I can't swear to it.

2 Q Do you know who Marita Lorenz is?

3 A I beg your pardon?

4 Q Marita Lorenz.

5 A I read the name Marita Lorenz in the Spotlight
6 article. I don't know whether she is correctly identified in
7 there because I don't recognize the name otherwise.

8 Q Do you know the name Kerry Thornley? K-e-r-r-y,
9 T-h-o-r-n-l-e-y.

10 A I'm sorry, that name doesn't ring any bells with me.

11 Q Did you have any relationship with the Warren
12 Commission when it was in existence?

13 A My role at the time was to take leads from the
14 Warren Commission or areas of investigation or inquiries which
15 applied overseas, in other words, outside the United States,
16 and attempt to run down these inquiries as best we could
17 and reply to the Commission in response to the inquiries.

18 That was the relationship that I had with the
19 Commission.

20 Q Okay. Did you run down the lead regarding Oswald's
21 presence in Mexico City in September 1963?

22 A Well, I don't recall that I ran down that lead

1 because it seems to me that there was material in the United
2 States Government before the Warren Commission and before the
3 assassination of President Kennedy that Oswald was in Mexico
4 City.

5 Q Was that CIA material?

6 A Yes.

7 Q And did that material make reference to a man
8 called Kostikov, K-o-s-t-i-k-o-v? Do you recall that name?

9 A I don't remember. That is obviously a Russian name
10 but I don't recall what role he played.

11 Q Do you recall the CIA memo to the Warren Commission
12 which said in essence that Kostikov has as his cover that he's a
13 vice consul of the Soviet Embassy in Mexico City but in
14 reality he is the KGB agent in charge of assassinations and
15 terror for the Western Hemisphere?

16 MR. STRICKLAND: Objection. It assumes facts not
17 in evidence.

18 THE WITNESS: I don't recall it.

19 MR. LANE: That's how you get facts in evidence.
20 You ask about them and you get answers.

21 BY MR. LANE:

22 Q Do you recall discussing or seeing such a memorandum?

1 MR. STRICKLAND: Same objection.

2 BY MR. LANE:

3 Q You can answer.

4 A I don't recall seeing that memorandum, although I
5 don't say that I didn't.

6 Q Did you provide such a memorandum to the Warren
7 Commission?

8 A I don't know.

9 MR. STRICKLAND: Same objection.

10 BY MR. LANE:

11 Q You don't know?

12 A I have provided hundreds of memoranda to the Warren
13 Commission.

14 Q Did you provide any information to the Warren
15 Commission which indicated or stated that it proved that Oswald
16 in fact was in Mexico City prior to November 22, 1963?

17 A Did I provide them information saying that he was in
18 Mexico City prior to the day of Kennedy's assassination?

19 Q Yes.

20 A I believe I just said that the Agency, I believe,
21 provided the United States Government with material, and I
22 assume that this became part of the Warren Commission files.

1 It may be a false assumption, but I believe it was likely that
2 it would have.

3 Q That's what I'm asking. I'm asking if you provided
4 that information.

5 A Provided the information to the government, yes.

6 Q What do you mean "to the government"? We're talking
7 about the CIA and the Warren Commission. Is there another
8 entity you're referring to when you say "to the government"?

9 A Yes, I was referring to the FBI.

10 Q When you say "the government," you mean the FBI?

11 A Well, in this case I meant the FBI.

12 Q Did you supply information to the Warren Commission
13 either directly or through the FBI which stated that there
14 were tape recordings showing that Oswald was in Mexico City
15 prior to November 22, 1963, and that he had made a telephone
16 call to the Soviet Embassy?

17 MR. MOFFETT: We object to that on the grounds
18 that the answer to that could or could not involve classified
19 information.

20 MR. LANE: I assure you, Mr. Helms, that has all
21 been published.

22 MR. MOFFETT: Mr. Lane, until we see something along

1 those lines, we would ask the witness not to answer.

2 MR. SNYDER: I would object on the grounds of rele-
3 vance, unless somebody is going to connect up Oswald and
4 Mr. Hunt.

5 MR. LANE: Well, just give us a little time, Mr.
6 Snyder. Give us a little time.

7 MR. SNYDER: You've had a lot of years here in
8 this lawsuit.

9 BY MR. LANE:

10 Q Did the Central Intelligence Agency inform Earl
11 Warren, the Chairman of the President's Commission on the
12 Assassination of President Kennedy, that Oswald had been in
13 Mexico from September 26 to October 3, 1963, and he spent most
14 of that time in Mexico City?

15 MR. SNYDER: Objection, unless Hunt is going to be
16 put in Mexico City, I don't think that has any relevance
17 whatsoever.

18 MR. STRICKLAND: Subject to that objection, you may
19 answer if you know the answer.

20 THE WITNESS: Well, I don't know. You have some
21 very specific dates in there, and my memory doesn't go to
22 recalling dates like that. I do recall having submitted

1 information that indicated that Hunt was in Mexico City before
2 the assassination.

3 BY MR. LANE:

4 Q You know the name Silvia Duran, do you not?

5 A My recollection of that name is that she is a woman
6 that was in Mexico City or had something to do in Mexico City,
7 but I don't recall anymore what she represented.

8 Q Was she not a Mexican employee of the Cuban Embassy
9 at that time, to your knowledge?

10 A She may have been.

11 Q Do you recall testifying about her in Alexandria
12 on May 17, 1979?

13 A No, but it may be in there.

14 MR. STRICKLAND: Do you have a page number, Mr. Lane?

15 MR. LANE: I'll go on to the next question.

16 BY MR. LANE:

17 Q Do you know that the Central Intelligence Agency
18 informed the Warren Commission, through its chairman, Earl
19 Warren, that Oswald had a relationship with the Soviet Embassy
20 in Mexico City which predated the assassination of President
21 Kennedy?

22 MR. SNYDER: Objection; relevance.

1 MR. STRICKLAND: Subject to that objection, you may
2 answer if you know the answer.

3 THE WITNESS: Would you repeat the question, please?

4 BY MR. LANE:

5 Q Sure. Do you know whether or not the CIA informed
6 the Warren Commission, through its chairman, Chief Justice
7 of the United States Earl Warren, that Oswald had a relationship
8 with the Soviet Embassy in Mexico City which preceded
9 November 22, 1963?

10 A Mr. Lane, I don't recall that the Agency, through
11 its chairman, Mr. Warren, passed that information to the
12 Warren Commission, but I am fairly certain that the information
13 was passed to the staff. I don't know how it was passed.

14 Q Did the Central Intelligence Agency tell the Warren
15 Commission, through staff or through a statement to the
16 Director, from the Director of the CIA to the Chairman of the
17 Warren Commission, or in any other way, that Oswald had called
18 the Soviet Embassy in Mexico City and said, "This is Lee
19 Oswald. Are there any messages for me?"

20 MR. MOFFETT: We object and direct the witness not
21 to answer on the grounds that any answer could lead to the
22 discovery or not of classified information.

1 BY MR. LANE:

2 Q Did the Central Intelligence Agency in fact give
3 tapes to what we call the FBI, what you apparently call the
4 government, ostensibly showing, demonstrating, that Oswald
5 had talked to the Soviet Embassy in Mexico City?

6 MR. MOFFETT: Object. The witness is directed not
7 to answer. Same reason, that any answer could lead to the
8 discovery of classified information.

9 MR. SNYDER: I object to the entire line of question-
10 ing about Oswald's whereabouts. There has not been a shred of
11 anything connecting Hunt with Oswald. It is highly prejudicial
12 to have this assassin being spoken of as if he were some kind
13 of acquaintance or friend of Mr. Hunt, and I have a continuing
14 objection to all of this.

15 BY MR. LANE:

16 Q Do you know whether or not J. Edgar Hoover, then
17 the Director of the FBI, in 1964 wrote a letter, which has
18 since been published, in which he stated that the several
19 agents of the Federal Bureau of Investigation who had been
20 questioning Lee Harvey Oswald since his arrest following the
21 assassination of President Kennedy and the murder of Police
22 Officer Tippett, that those FBI agents had listened to the

1 CIA tape of the person saying, "This is Lee Oswald. Are there
2 any messages for me?" and that they all agreed that the voice
3 on the tape was not the voice of Lee Harvey Oswald?

4 MR. MOFFETT: Objection for the same reason as stated
5 before. The witness is directed not to answer.

6 BY MR. LANE:

7 Q Have you ever seen that letter?

8 MR. MOFFETT: Object. The witness is directed not
9 to answer.

10 MR. SNYDER: Continuing objection for relevancy.

11 MR. MOFFETT: Mr. Lane, the Ambassador is a very,
12 very busy man.

13 MR. LANE: We are all very busy.

14 MR. MOFFETT: That's not what I stated. The
15 Ambassador is a very, very busy man, and I wonder if we could
16 possibly try to wrap this up.

17 MR. LANE: We'll be finished when we have completed
18 the deposition.

19 BY MR. LANE:

20 Q Do you recall a CIA document which the Warren Com-
21 mission later designated as CD -- which stands for Commission
22 Document -- 928, in which the CIA was stating to the Warren

1 Commission that Mr. Kostikov, who we described earlier,
2 "functioned overtly as a consul in the Soviet Embassy," but
3 was "known to be a staff officer of the KGB," and then con-
4 tinued, "He is connected with 13 or Liquid Affairs Department
5 whose responsibilities include assassination and sabotage."

6 MR. MOFFETT: Object. Same reason as stated before.
7 The witness is directed not to answer.

8 Mr. Lane, please, we are not retrying the Kennedy
9 assassination, or ostensibly not, at this deposition. And
10 once again, I repeat the Ambassador is a very, very busy man.

11 MR. LANE: If you are concerned about his time,
12 stop making speeches every time I ask a question.

13 MR. MOFFETT: Mr. Lane, I would ask you to get to
14 the point.

15 MR. LANE: Well, what you consider to be the point
16 and what the CIA considers to be the point is probably not
17 what we consider the point. I'm going to ask you to stop
18 making speeches so that we can all move along.

19 MR. MOFFETT: Mr. Lane, I am not going to continue
20 making speeches. I consider this annoying and oppressive
21 and I would ask that you get to the point of this lawsuit, and
22 let's not retry the Kennedy assassination over and over again

1 on the Ambassador's time.

2 MR. LANE: I know what areas you're so nervous about.
3 I see how you react to these questions. I know what areas you
4 won't let Mr. Helms answer. We know where your area of
5 nervousness is.

6 BY MR. LANE:

7 Q Let me ask you this, Mr. Helms --

8 MR. MOFFETT: Let me state --

9 MR. LANE: I don't want to hear what you have to
10 say. I want to hear what the witness has to say.

11 BY MR. LANE:

12 Q Let me ask you this, Mr. Helms --

13 MR. SNYDER: Wait a minute. I think he deserves a
14 rebuttal time.

15 MR. MOFFETT: Now, I am going to put it to you in
16 simple English, Mr. Lane. The Ambassador is not here to
17 testify concerning the whole Kennedy assassination. He has
18 answered the questions on the articles to the best of his
19 knowledge for the past two-and-a-half hours. I once again
20 state for the record that this is annoying and oppressive to
21 continue with this line of inquiry, and I would ask that you
22 finish this up, please.

1 MR. LANE: I am afraid you are not familiar with the
2 Federal Rules of Procedure regarding questions that may be
3 asked at a deposition. I will tell you this: Neither the
4 witness, no matter who he is, no matter who he has been honored
5 by following convictions of nolo contendere, no matter who
6 represents him, makes the determination as to what is relevant
7 to one of the parties at the deposition.

8 MR. MOFFETT: Mr. Lane --

9 BY MR. LANE:

10 Q I am now going to ask this question and that is:
11 Following the receipt of the information which I made reference
12 to, to the Warren Commission, that is, the document desig-
13 nated as Commission Document 928, do you know whether Earl
14 Warren then publicly said to the American press when asked,
15 "When will we get the facts about the assassination of
16 President Kennedy?" "You may never get the truth in your
17 lifetime, and I mean that seriously."

18 Do you recall that statement being made by the Chief
19 Justice?

20 MR. STRICKLAND: Objection. It assumes facts not in
21 evidence, and I would direct the witness not to answer the
22 question unless you provide him with a copy of the Commission

1 document to which you have referred and a copy of the tran-
2 script of the Honorable Earl Warren's comments. Do you have
3 either of those documents available?

4 MR. LANE: We're not answering your questions, sir.

5 MR. STRICKLAND: I assume you decline to produce
6 those documents to Ambassador Helms.

7 BY MR. LANE:

8 Q Do you know of an FBI report dated November 23, 1963,
9 which states:

10 "The Central Intelligence Agency advised that on
11 October 1, 1963, an extremely sensitive source had reported
12 that an individual identified himself as Lee Oswald who con-
13 tacted the Soviet Embassy in Mexico City" -- and then going
14 on with the FBI report --

15 MR. MOFFETT: Objection.

16 BY MR. LANE:

17 Q -- "inquiring as to any messages. Special agents of
18 this Bureau, who conversed with Oswald in Dallas, Texas, have
19 observed photographs of the individual referred to above and
20 have listened to recordings of his voice. These special agents
21 are of the opinion that the above-referred-to individual was
22 not Lee Harvey Oswald."

1 BY MR. LANE:

2 Q Are you familiar with that statement?

3 A I don't recall the statement, but I find nothing
4 wrong with the statement, nothing incorrect in it.

5 Q Are you familiar with the minutes of the Warren
6 Commission meeting which is critical of the CIA's report re-
7 garding Oswald's alleged presence and activities in Mexico
8 City, stating:

9 "For example, they" -- meaning the CIA -- "had no
10 records of Oswald's daily movements while in Mexico City, nor
11 could they confirm the date of his departure, nor his mode of
12 travel."

13 Do you recall that statement made by the Warren
14 Commission?

15 MR. STRICKLAND: Same objection as to form; it
16 assumes facts not in evidence. Mr. Lane, if you have such a
17 document or extract from the report, would you kindly produce
18 it and let the witness examine it.

19 BY MR. LANE:

20 Q Do you know whether or not the Warren Commission in
21 executive session --

22 A I'm sorry; what kind of session?

1 Q Do you know whether the Warren Commission had an
2 executive session, and in minutes, later made available under
3 the Freedom of Information Act, stated that:

4 "The CIA did not give full documents to the Warren
5 Commission but gave instead sanitized extracts."

6 That's a quote.

7 Do you know if that statement was made by the
8 Warren Commission?

9 MR. MOFFETT: Object to the question. If you have a
10 copy of the FOIA release, Mr. Lane, please produce for the
11 witness' inspection.

12 MR. SNYDER: I object also because I don't understand
13 what's being said. An executive session is where you question
14 witnesses secretly.

15 MR. LANE: That's what you think an executive
16 session is. There are different kinds of executive sessions.

17 MR. SNYDER: If you're saying the Commission found,
18 you're talking about a report or a final document of some
19 kind. Which is it?

20 MR. LANE: I'll try to explain it to you. The
21 Warren Commission held meetings of its own, which it referred
22 to as executive sessions, and which were marked "Top Secret"

1 at the time. Subsequently, as a result of action by a number
2 of citizens in this country, a number of these documents were
3 declassified under the Freedom of Information Act. These the
4 Warren Commission referred to as executive sessions, and these
5 minutes of the meetings is what I'm making reference to.

6 MR. SNYDER: But wait a minute. A human being would
7 have had to have said something, some member of that commission.
8 You're saying "The Warren Commission said." A commission
9 doesn't say anything unless it's a final report of some kind.

10 MR. LANE: Is that correct? You don't think there
11 are any Commission documents except the final report?

12 MR. STRICKLAND: I think this could be easily
13 resolved, Mr. Lane, if you would simply put on the table the
14 documents you're referring to.

15 MR. LANE: Well, since most of the documents I have
16 referred to are CIA-originated documents, it hardly seems
17 appropriate to me for counsel to the CIA to come in here and
18 say, "What do you mean?" We don't know anything about these
19 documents you're talking about. You created them. Do you
20 understand that? These were created by the Central Intelli-
21 gence Agency.

22 MR. MOFFETT: Mr. Lane, will you please get on with

1 member of the Warren Commission?

2 A It was certainly at the time.

3 Q And it was well-publicized, was it not?

4 A I don't know what you mean by "well-publicized" but
5 it was certainly in the public domain.

6 Q Well, when the report was presented to the President,
7 I think it was in the Rose Garden, and it was on the front
8 page of the New York Times and the lead story on all the tele-
9 vision stations; was it not?

10 A I don't question your word.

11 Q And it was well-known, was it not, that prior to
12 that time Allen Dulles had been Director of the Central
13 Intelligence Agency?

14 A I think that was well-known.

15 Q Do you recall any action taken by the Central
16 Intelligence Agency while you were there for the purpose of
17 seeking to suppress or criticize works of any kind, books or
18 magazine articles, which were critical of the conclusions or
19 methods of the Warren Commission?

20 A I don't recall any such. There may have been, but I
21 don't recall it. I know there were several books and magazine
22 articles and so forth about it, but I don't recall any

1 us?

2 BY MR. LANE:

3 Q Do you recall any document promulgated by the Central
4 Intelligence Agency --

5 MR. STRICKLAND: I move to strike the entire line
6 of questions and answers given. Certainly, Mr. Lane, your
7 book may be fascinating to you, but --

8 MR. LANE: We are not interested in your motions to
9 strike because the court is going to rule on what's relevant
10 for a jury which you are not a party or an attorney to a party.

11 BY MR. LANE:

12 Q Mr. Helms, are you familiar with any document of
13 the Central Intelligence Agency which was circulated for the
14 purpose of impugning the integrity of any of those who were
15 publicly associated with criticizing the Warren Commission
16 report?

17 A I can't answer that question, Mr. Lane, because I
18 don't know who all these people were that were criticizing
19 the Warren Commission report.

20 Q You don't have to know who all of them were. You
21 can answer whether or not --

22 A You make your question so sweeping, why don't I

1 Mr. Marchetti in fact took the minutes?

2 A I don't know. I could have been.

3 Q Were you ever present at a meeting at which Mr.
4 Marchetti took the minutes and the name of Clay Shaw came up?

5 A I don't recall.

6 Q Were you ever present at a meeting at which Mr.
7 Marchetti took the minutes and the name of Clay Shaw came up
8 and you and others decided and stated at that meeting that,
9 "We'll talk about that later, not here"?

10 A I don't recall this conversation.

11 Q All right. Do you recall a meeting at which you
12 were present and Mr. Marchetti was taking minutes when there
13 was a discussion of the Clay Shaw trial in New Orleans?

14 A I don't have any recollection of any of this.

15 MR. SNYDER: Objection. He has already said he
16 doesn't recall being at any meeting with Marchetti, so why
17 harangue the witness with 20 different questions?

18 MR. LANE: Oh, I don't think anyone is being
19 harangued, Mr. Snyder. I think in an effort to refresh a
20 witness' recollection, this is a time-honored method in our
21 courts of refreshing a witness' recollection.

22

1 BY MR. LANE:

2 Q Mr. Helms, did you do anything regarding the trial
3 of Clay Shaw for conspiracy to assassinate President Kennedy?
4 That is, did you meet with anyone in reference to it? Did you
5 discuss it with anyone? Did you do anything whatsoever re-
6 garding that trial?

7 A I honestly don't recall anything about this, what
8 went on inside of the Agency about the Clay Shaw trial. I
9 remember Mr. Garrison wanting to subpoena me to come to some
10 trial in New Orleans, but I don't remember whether it was in
11 connection with Clay Shaw or whether it was a more general
12 trial.

13 Q Well, all trials have defendants.

14 A I said a more general trial.

15 Q A more general trial?

16 A Yes.

17 Q Every trial has a defendant, and it would have to
18 be Clay Shaw or some specific person, would it not?

19 A It could have been, but I'm just trying to say that
20 I do not remember who the defendant was in the trial that
21 Garrison was trying to subpoena me for.

22 Q Now, Mr. Garrison's activities were widely publicized

1 at the time, were they not, at the time of the Clay Shaw
2 case and preceding it?

3 A Yes, I believe that's true.

4 Q And Mr. Garrison was a duly elected law enforcement
5 official who had said publicly that the Central Intelligence
6 Agency killed the President of the United States; is that not
7 true?

8 A Did he say that publicly?

9 Q Yes.

10 A He may have.

11 MR. STRICKLAND: Objection, assuming facts not in
12 evidence.

13 BY MR. LANE:

14 Q Was that a matter of some discussion or concern at
15 the CIA?

16 A Oh, it was a question of my being subpoenaed. Of
17 course, it was a matter of discussion at the CIA. I also went
18 and discussed it with Senator Richard Russell, who was then
19 Chairman of the CIA Oversight Committee, and who advised very
20 strongly that I not respond to the subpoena.

21 Q Do you know what other role Mr. Russell played in
22 his public life?

1 A I beg your pardon?

2 Q Do you know what other role Senator Russell played
3 in his public life?

4 A Well, he was a senator for many years. He was
5 Chairman of the Armed Services Committee.

6 Q And a member of the Warren Commission?

7 A Yes, I believe he was a member of the Warren
8 Commission.

9 Q Did anyone else discuss with you your proposed
10 testimony in the Clay Shaw case?

11 A I never testified.

12 Q Your proposed testimony.

13 A No.

14 Q The fact that Garrison was trying to secure your
15 testimony?

16 A I don't recall any meetings to discuss testimony
17 because I never appeared.

18 Q To your knowledge, did the CIA do anything at all
19 to assist Mr. Shaw in his trial?

20 A I don't remember anything about it. I'm sorry, I
21 simply do not.

22 Q Do you know the name Diamond, a lawyer in New Orleans?